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plants or parts thereof, or any processed, manufactured, or other products of plants.

Plant Protection and Quarantine Programs. The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Plant Quarantine Act, the Federal Plant Pest Act, and related laws, and regulations promulgated thereunder.

Port of first arrival. The land area (such as a seaport, airport, or land border station) where a person, or a land, water, or air vehicle, first arrives after entering the territory of the United States, and where inspection of articles is carried out by inspectors.

Potable water. Water which is approved for drinking purposes by the national or local health authority having jurisdiction.

Prohibited article. Any nursery stock, plant, root, bulb, seed, or other plant product designated in § 319.37-2 (a) or (b), except wood articles regulated under §§ 319.40-1 through 319.40-11, "Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles."

Restricted article. Any class of nursery stock or other class of plant, root, bulb, seed, or other plant product, for or capable of propagation, excluding any prohibited articles listed in § 319.37-2 (a) or (b) of this subpart, excluding any articles subject to any restricted entry orders in 7 CFR part 321 (i.e., potatoes), and excluding any articles regulated in 7 CFR 319.8 through 319.34 or 319.41 through 319.74-7.

Secretary. The Secretary of Agriculture, or any other officer or employee of the Department of Agriculture to whom authority to act in his/her stead has been or may hereafter be delegated.

Soil. The loose surface material of the earth in which plants, trees, and shrubs grow, in most cases consisting of disintegrated rock with an admixture of organic material and soluble salts.

Solanum spp. true seed. Seed produced by flowers of *Solanum* capable of germinating and producing new *Solanum* plants, as distinguished from *Solanum* tubers, whole or cut, that are referred to as *Solanum* seeds or seed potatoes.

Spp. (species). All species, clones, cultivars, strains, varieties, and hybrids, of a genus.

State Plant Regulatory Official. The official authorized by the State to sign agreements with Federal agencies involving operations of the State plant protection agency.

United States. The States, District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

[45 FR 31585, May 13, 1980, as amended at 50 FR 8706, Mar. 5, 1985; 56 FR 19790, Apr. 30, 1991; 57 FR 43145, Sept. 18, 1992; 58 FR 38267, July 16, 1993; 60 FR 3077, Jan. 13, 1995; 60 FR 27674, May 25, 1995]

§ 319.37-2 Prohibited Articles.

(a) The following listed articles from the designated countries and localities are prohibited articles and are prohibited from being imported or offered for entry into the United States except as provided in § 319.37-2(c) of this subpart.

Prohibited article (includes seeds only if specifically mentioned)	Foreign places from which prohibited	Plant pests existing in the places named and capable of being transported with the prohibited article
<i>Abelmoschus</i> spp. (okra)	Africa Brazil Bangladesh, India, Sri Lanka Ivory Coast, Nigeria Iraq Papua New Guinea, Trinidad and Tobago All except Canada	Cotton leaf curl agent. Cotton Anthocyanosis agent. Bendi yellow vein mosaic agent. Okra mosaic virus. Okra yellow leaf curl agent. Okra mosaic agents. 50 or more species of rusts including <i>Chrysomyxa abietis</i> (Wall.) Ung. (a rust causing a serious needle disease); <i>Phacidopeltis pseudotsuga</i> (M. Wilts.) Hahn (Douglas fir canker). <i>Uromyces lappetianum</i> (Sacc.) McAlp. (Rust). <i>Xanthomonas acerina</i> (Ogawa) Burk. Maple mosaic or variegation diseases.
<i>Abies</i> spp. (fir)	Australia and Oceania	
<i>Acacia</i> spp. (acacia)	Japan	
<i>Acer</i> spp. (maple) (except <i>Acer palmatum</i> and <i>Acer japonicum</i> meeting the conditions for importation in § 319.37-5(m)).	Europe, Japan	
<i>Actinidia</i> spp. (Chinese gooseberry, kiwi)..	Japan and Taiwan	
<i>Adonidia</i> spp	All	A diversity of diseases including, but not limited to: Lethal yellowing disease; Cadang-Cadang disease.
<i>Aesculus</i> spp. (horsechestnut)	Czechoslovakia, Federal Republic of Germany, Romania, United Kingdom.	Horsechestnut variegation or yellow mosaic diseases.
<i>Aiphanes</i> spp. (coyure, ruffle, and spine palm).	All	A diversity of diseases including but not limited to: lethal yellowing disease; cadang-cadang disease.
<i>Allagoptera arenaria</i>	All	A diversity of diseases including, but not limited to: Lethal yellowing disease; Cadang-Cadang disease.
<i>Ailanthus</i> spp. (ailanthae, hollyhock)	Africa	Cotton leaf curl agent. Bendi yellow vein mosaic agent.
<i>Aracis</i> spp. (peanut) seed only (all other <i>Arachis</i> articles are included under Fabaceae).	Bangladesh, India, Sri Lanka	Peanut stripe virus.
	India, Indonesia, Japan, People's Republic of China, Philippines, Taiwan, Thailand.	Indian peanut clump virus.
	Ivory Coast, Senegal, Upper Volta	
<i>Areca</i> spp	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-Cadang disease.
<i>Arenga</i> spp. (sugarpalm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-Cadang disease.
<i>Arikuryoba</i> spp. (arikury palm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-Cadang disease.
Articles listed in § 319.37-2(b)	All except Canada	A diversity of diseases, insects, and other pests, including but not limited to: <i>Cactoblastis cactorum</i> (Berg), <i>Metamasius</i> spp.; <i>Oligonyx sacchari</i> (Boeri); <i>Chrysomixa himalensis</i> Barclay (Spruce needle rust); <i>Accidium mori</i> Barclay (Mulberry rust); <i>Pseudomonas ignicula</i> Westerd. & Buis. (Bacterial stain); <i>Pucciniastrum aereolum</i> (Fr.) Ott. (Cherry-spruce rust).

Prohibited article (includes seeds only if specifically mentioned)	Foreign places from which prohibited	Plant pests existing in the places named and capable of being transported with the prohibited article
<i>Berberis</i> spp. (barberry) (plants of all species and horticultural varieties not designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Berberis</i> spp. (barberry) destined to an eradication State listed in § 301.38-2a of this chapter (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Berberis</i> spp. (barberry) seed.	All	<i>Oka</i> mosaic virus.
<i>Bilghia sapida</i> (jahee)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Borassus</i> spp. (palmyra palm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Caryota</i> spp. (fishtail palm)	All	<i>Cryphonectria parasitica</i> (Murrill) Barr (chestnut blight); <i>Dryocosmus kuriphilus</i> Yasumatsu (gall wasp).
<i>Castanea</i> spp. (chestnut)	All	<i>Phacidopinus pseudofusiga</i> (M. Wils.) Hahn (Douglas fir canker).
<i>Cedrus</i> spp. (cedar)	Europe	<i>Fusarium fuliginosporum</i> Sibilia (Seedling disease).
<i>Chaenomeles</i> spp. (flowering quince) not meeting the conditions for importation in § 319.37-5(b).	All	A diversity of diseases including but not limited to those listed for <i>Chaenomeles</i> in § 319.37-5(b)(1).
<i>Chrysanthemum</i> spp. (chrysanthemum).	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Chrysanthemum</i> spp. (chrysanthemum).	All	<i>Puccinia horiana</i> P. Henn. (white rust of chrysanthemum).
<i>Cocos</i> spp. (other than <i>Cocos nucifera</i>).	All	Argentina, Brazil, Canary Islands, Chile, Colombia, Europe, Republic of South Africa, Uruguay, Venezuela, and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° East longitude.
<i>Cocos nucifera</i> (coconut) (including seed) (Coconut seed without husk or without milk may be imported into the United States in accordance with § 319.56).	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Corypha</i> spp.	All	A diversity of diseases including but not limited to: lethal yellowing disease; cadang-cadang disease.
<i>Crocosmia</i> spp. (montbretia)	Africa	<i>Puccinia macleannii</i> Dodge (rust), <i>Uredo gladioli-buergeri</i> Bub. (rust), <i>Uromyces gladioli</i> P. Henn. (rust), <i>U. nyikensis</i> Syc. (rust), <i>U. transversalis</i> (Thüm.) Wint. (rust), <i>U. gladioli</i> P. Henn. (rust).
Africa, Brazil, France, Italy, Malta, Mauritius, Portugal	
Argentina, Uruguay	

<i>Cydonia</i> spp. (quince) not meeting the conditions for importation in § 319.37–5(b).	All	A diversity of diseases including but not limited to those listed for <i>Cydonia</i> in § 319.37–5(b)(1).
<i>Datura</i> spp.	Colombia	<i>Datura</i> Colombian virus. <i>Puccinia horiana</i> P. Henn. (white rust of chrysanthemum).
<i>Dendranthema</i> spp. (chrysanthemum).	India	<i>Datura</i> distortion or eration mosaic virus.
<i>Argentina</i> , Brazil, Canary Islands, Chile, Colombia, Europe, Republic of South Africa, Uruguay, Venezuela, and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° East longitude.	
<i>Dictyosperma</i> spp. (Princesspalm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Elaeis</i> spp. (oil palm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Erianthus</i> spp. (plumegrass)	All	<i>Puccinia melanocephala</i> H. Syd. & P. Syd. (Sugarcane rust). <i>Pestalotia disseminata</i> Thüm. (parasitic leaf fungus).
<i>Eucalyptus</i> spp. (eucalyptus)	Europe, Sri Lanka, and Uruguay	<i>Euonymus</i> mosaic diseases.
<i>Euonymus</i> spp. (euonymus)	Europe, Japan	A diversity of diseases including but not limited to: African soybean dwarf agent, alfalfa elation virus, azuki bean mosaic virus, bean golden mosaic virus, cowpea mild mottle virus, French bean mosaic virus, groundnut chlorotic leaf streak virus, groundnut chlorotic spotting virus, groundnut rosette agent, groundnut witches broom MLO, horsegram yellow mosaic virus, Indonesian soybean dwarf virus, lima bean mosaic virus, lucerne Australian symptomless virus, lucerne vein yellowing virus, mung bean yellow mosaic virus, peanut stripe virus, red clover mottle virus, and soybean dwarf virus.
Fabaceae (= leguminosae) (herbaceous spp. only).	All except Canada	
<i>Fragaria</i> spp. (strawberry) not meeting the conditions for importation in § 319.37–5(h).	All except Canada	<i>Phytophthora fragariae</i> Hickman (Red stele disease).
<i>Fraxinus</i> spp. (ash)	Europe	<i>Pseudomonas savastanoi</i> var. <i>fraxini</i> (Brown) Dawson (Canker and dwarfing disease of ash).
<i>Gauisia</i> spp. (lumepalm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Gladiolus</i> spp. (gladiolus)	Africa	<i>Puccinia macleannii</i> Dodge (rust). <i>Uredo gladioli-buergeri</i> Bulb. (rust), <i>Uromyces gladioli</i> P. Henn. (rust). <i>U. nyikensis</i> Syd. (rust). <i>U. transversalis</i> (Thüm.) Wint. (rust). <i>U. gladioli</i> P. Henn. (rust).
<i>Gossypium</i> spp. (cotton, cottontree).	Africa, Brazil, France, Italy, Malta, Mauritius, Portugal	A diversity of diseases including but not limited to: cotton leaf curl virus; cotton virescence agent; small leaf virus.
<i>Hibiscus</i> spp. (kenaf, hibiscus, rose mallow).	Africa	Cotton leaf curl agent.
<i>Brazil</i> .	India	Hibiscus leaf curl agent.
<i>Howea</i> spp. (sentry palm) not meeting the conditions in § 319.37–5(n).	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Hydrangea</i> spp. (hydrangea)	Japan	<i>Acidium hydrangeae-paniculata</i> Dietel.
<i>Hyophorbe</i> spp. (palm)	All	A diversity of diseases including but not limited to: lethal yellowing disease; cadang-cadang disease.
<i>Ipomoea</i> spp. (sweetpotato)	All except Canada	A diversity of diseases including but not limited to: sweetpotato witches broom (little leaf); and sweetpotato viruses of eastern Africa.
<i>Jasminum</i> spp. (jasmine)	Belgium, Federal Republic of Germany, Great Britain	Jasmine variegation diseases.

Prohibited article (includes seeds only if specifically mentioned)	Foreign places from which prohibited	Plant pests existing in the places named and capable of being transported with the prohibited article
<i>India</i>	India	Chlorotic ringspot, Phyllody, yellow ring mosaic diseases.
<i>Philippines</i>	Philippines	Sampaguita yellow ringspot mosaic disease.
<i>Austria, Finland, and Romania</i>	Austria, Finland, and Romania	<i>Sigmatina deficiens</i> (Karst) Ellis (Needlecast disease).
<i>Europe</i>	Europe	<i>Phacidiopycnis pseudosuga</i> (M. Wilts.) Hahn (Douglas fir canker).
<i>Provinces of New Brunswick and Nova Scotia in Canada, Europe, and Japan.</i>	Provinces of New Brunswick and Nova Scotia in Canada, Europe, and Japan.	<i>Lachnellula willkommii</i> (Hartig) Dennis (European larch canker).
<i>Europe</i>	Europe	<i>Phacidiopycnis pseudosuga</i> (M. Wilts.) Hahn (Douglas fir canker).
<i>All</i>	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Leersia</i> spp. (coggrass) seed only (all other <i>Leersia</i> articles are included under Poaceae).	All	<i>Uromyces viciae-fabae</i> (Pers.) Schreet. (Rust).
<i>Lens</i> spp. seed (lentil)	South America	<i>Xanthomonas campesiris</i> pv. <i>oryzae</i> (Ishiyama) Dye.
<i>Leptochloa</i> spp. (sprangletop) seed only (all other <i>Leptochloa</i> articles are included under Poaceae).	All	<i>Uromyces viciae-fabae</i> (Pers.) Schreet. (Rust).
<i>Ligustrum</i> spp. (privet)	Europe	<i>Xanthomonas campesiris</i> pv. <i>oryzae</i> (Ishiyama) Dye.
<i>Livistona</i> spp. (fan palm)	All	<i>Ligustrum</i> mosaic diseases.
<i>Mahoberberis</i> spp. (plants of all species and horticultural varieties not designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Mahoberberis</i> spp. destined to an eradication State listed in § 301.38-2(a) of this chapter (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Mahoberberis</i> spp. seed	All	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Mahonia</i> spp. (mahonia) (plants of all species and horticultural varieties not designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All	<i>Puccinia graminis</i> Pers. (Black stem rust).
		<i>Puccinia graminis</i> Pers. (Black stem rust).

<i>Mahonia</i> spp. (mahonia) destined to an eradication State listed in § 301.38–2(a) of this chapter (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with § 301.38–1 of this chapter).	All	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Mahonia</i> spp. seed	All	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Malus</i> spp. (apple, crabapple) not meeting the conditions for importation in § 319.37–5(b), <i>Mangifera</i> spp. (mango) seed only	All	A diversity of diseases including but not limited to those listed for <i>Malus</i> in § 319.37–5(b)(1).
<i>Manihot</i> spp. (cassava)	All except Canada	<i>Cryptorhynchus mangiferae</i> F. (mango weevil).
<i>Mascarenia</i> spp	All	A diversity of diseases, insects, and other pests including but not limited to: <i>Mononychellus taraioa</i> (Bonda) (cassava mealybug); <i>Xanthomonas manihotis</i> (Athanase-Berthe) Starr (Bacterial blight); Cassava brown streak virus; Cassava latent virus; Cassava African mosaic virus; Cassava common mosaic virus.
<i>Morus</i> spp. (mulberry)	India, Japan, Korea, People's Republic of China, Thailand, and the geographic area formerly known as the Union of Soviet Socialist Republics.	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Nannorrhops</i> spp. (mazaripalm)	All	A diversity of diseases including but not limited to: lethal yellowing disease; cadang-cadang disease.
<i>Neodypsis</i> spp. (palm)	All	<i>Helopeltis lauri</i> Boh. (Avocado weevil); <i>Stenoma catenifer</i> Wals. (Avocado seed moth); <i>Conotrachelus</i> spp.
<i>Persea</i> spp. (avocado) seed	Central and South America, and Mexico	Elm mottle virus.
<i>Philadelphia</i> spp. (mock orange)	Europe	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Phoenix</i> spp. (date)	All	<i>Chrysomyxa leti</i> (Alb. & Schw.) d By var. <i>rhododendri</i> (DC) Savile. (Rhododendron spruce needle rust).
<i>Picea</i> spp. (spruce)	Europe, Japan, and Siberia	<i>Phaeococcysis pseudosuga</i> (M. Wilts.) Hahn (Douglas fir canker).
<i>Pinus</i> spp. (pine) (2- or 3-leaved)	Europe and Japan	<i>Cronartium flaccidum</i> (Alb. & Schw.) Wint. (Rust causing serious stunting of hard pines.)
	Japan.	Gall-forming rust.

Prohibited article (includes seeds only if specifically mentioned)	Foreign places from which prohibited	Plant pests existing in the places named and capable of being transported with the prohibited article
Poaceae (vegetative parts of all grains and grasses).	All except Canada	A wide diversity of plant diseases, including but not limited to: banana streak virus, barley yellow mosaic virus, barley yellow striate mosaic virus, cereal chlorotic mosaic virus, cocksfoot mild mosaic virus, corn stunt virus, Cynodon chlorotic streak virus, cynosurus mottle virus, Echinocloa ragged stunt virus, European aster yellows MLO, European wheat striate mosaic virus, Iranian maize mosaic virus, maize bushy stunt MLO, maize chlorotic mottle virus, maize mosaic virus, maize mottle/chlorotic stunt virus, maize rough dwarf virus, maize streak virus, maize stripe virus, northern cereal mosaic virus, oat red streak mosaic virus, oat sterile dwarf virus, rice dwarf virus, rice gall dwarf virus, rice tungro virus, rice wilted stunt virus, rice yellow mottle virus, rice yellow dwarf agent, yellow dwarf agent, sugarcane white leaf MLO, wheat yellow leaf virus, and wheat yellowing stripe bacterium.
<i>Populus</i> spp. (aspens, cottonwood, poplars).	Europe	<i>Xanthomonas populi</i> Ride (Canker).
<i>Pritchardia</i> spp	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Prunus</i> spp. (almond, apricot, cherry, cherry laurel, English laurel, nectarine, peach, plum, prune) not meeting the conditions for importation in § 319.37-5(b).	All	A diversity of diseases including but not limited to those listed for <i>Prunus</i> in § 319.37-5(b)(1).
<i>Prunus</i> spp. seed only (almond, apricot, nectarine, peach, plum, and prune, but not species in subgenus <i>Cerasus</i>) not meeting the conditions for importation in § 319.37-5(l).	All	Plum pox (Sharka) virus.
<i>Pseudotsuga</i> spp. (Douglas fir)	Europe	<i>Lachnellula willkommii</i> (Hartig) Dennis (European larch canker).
<i>Pyrus</i> spp. (pear) not meeting the conditions for importation in § 319.37-5(b).	All	<i>Phacidopycnis pseudosugii</i> (M. Wils.) Hahn (Douglas fir canker).
<i>Quercus</i> spp. (oak)	Japan	<i>Stereum hirsutissimum</i> (White rot); a gall-forming rust.
<i>Ravenea</i> spp. (palm)	All	A diversity of diseases including but not limited to: lethal yellowing disease; cadang-cadang disease.
<i>Ribes</i> spp. (currant, gooseberry) ..	Europe and New Zealand	Black currant reversion agent.
<i>Rosa</i> spp. (rose)	Australia, Bulgaria, Italy, and New Zealand	Rose wilt virus.
<i>Salix</i> spp. (willow)	Federal Republic of Germany (West), German Democratic Republic (East), Great Britain, and The Netherlands.	<i>Erwinia salicis</i> (Day) Chester (Watermark disease).
Seeds of all kinds when in pulp	All except Canada	Fruit flies, or other injurious insects.

<i>Solanum</i> spp. (potato) (tuber bearing species only—Section Tuberarium) (excluding potato tubers which are subject to 7 CFR part 321).	All except Canada.	Andean potato latent virus; Andean potato mottle virus; potato mop top virus; dulcamara mottle virus; tomato blanching virus; tobacco rattle virus; potato virus Y (tobacco veinial necrosis strain); potato purple top wilt agent; potato marginal flavescence agent; potato purple top roll agent; potato witches broom agent; stolbur agent; parastolbur agent; potato leaflet stunt agent; potato spindle tuber viroid; arracacha virus B; potato yellowing virus.
<i>Solanum</i> spp. true seed (tuber bearing species only—Section Tuberarium).	All except Canada, New Zealand, and the X region of Chile (that area of Chile between 39° and 44° South latitude—see §319.37–5(c)).	Andean potato latent virus; potato virus T; tobacco ringspot virus (Andean potato calico strain); arracacha virus B; potato yellowing virus.
<i>Sorbus</i> spp. (mountain ash).	Czechoslovakia, Denmark, Federal Republic of Germany Europe	Mountain ash variegation or ringspot mosaic disease.
<i>Syringa</i> spp. (lilac) not meeting the conditions for importation in §319.37–5(i).	All	Elm mottle virus.
<i>Theobroma</i> spp. (cacao)	All	A diversity of diseases and pests including but not limited to: cocoa swollen shoot virus, cocoa mottle leaf virus, cocoa yellow mosaic virus, cocoa necrosis virus, <i>Citriphelis perniciosa</i> (Stahel) Singer (witches broom fungus), <i>Monilia rosae</i> — <i>Moniliophthora rosae</i> (Cf.F.) H.C. Evans (<i>et al.</i> (watery pod rot)), cocoa isolates of <i>Ceratocystis fimbriata</i> Ellis and Haist (wilt), <i>Trachysphaera fructigena</i> Tabor and Bunting (mealy pod agents of cushy gall disease), <i>Oncobasidium theobromae</i> Talbot and Keane (vascular streak die-back), <i>Xyleborus</i> spp. beetles and <i>Acrocercops cramerella</i> (Selleni) (cocoa moth).
<i>Trachycarpus</i> spp. (windmill palm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Ulmus</i> spp. (elm) (including seeds).	Europe	Elm mottle virus.
<i>Veitchia</i> spp.	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Vitis</i> spp. (grape) not meeting the conditions for importation in §319.37–5(b).	All	A diversity of diseases including but not limited to those specified for <i>Vitis</i> in §319.37–5(b)(1).
<i>Watsonia</i> spp. (bugle lily)	Africa	<i>Puccinia macleannii</i> Dodge (rust), <i>Uredo gladioli-buetneri</i> Bub. (rust), <i>Uromyces gladioli</i> P. Henn. (rust), <i>U. nyikensis</i> Syd. (rust), <i>U. transversalis</i> (Thuen.) Wint. (rust), <i>U. gladioli</i> P. Henn. (rust). <i>Xanthomonas campesiris</i> pv. <i>oryzae</i> (Ishiyama) Dye.
<i>Zizania</i> spp. (wild rice) seed only (all other <i>Zizania</i> articles are included under Poaceae).	All except Canada	

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(b) The following listed articles from all foreign places except Canada are prohibited articles and are prohibited from being imported or offered for entry into the United States except as provided in § 319.37-2(c) of this subpart:

(1) *Rhododendron* spp. (*rhododendron* and *azalea*) or other genera or species of similar slow growth habit, other than artificially dwarfed trees or shrubs:

(i) Exceeding 3 years of age if grown from seeds or cuttings; or

(ii) Exceeding 2 years of age after severance from the parent plant if produced by layers; or

(iii) Having more than 3 years' growth from the bud or graft if produced by budding or grafting.

(2) Any naturally dwarf or miniature form of tree or shrub exceeding 305 millimeters (approximately 12 inches) in length from the soil line.

(3) Herbaceous perennials (except epiphytes) imported in the form of root crowns or clumps exceeding 102 millimeters (approximately 4 inches) in diameter.

(4) Stem cuttings without leaves, without roots, without sprouts, and without branches (other than cactus cuttings and cuttings of epiphytes) exceeding 102 millimeters (approximately 4 inches) in diameter or exceeding 1.83 meters (approximately 6 feet) in length; and stem cuttings of epiphytes with or without aerial roots (without leaves, without sprouts, and without branches) exceeding 102 millimeters (approximately 4 inches) in diameter or exceeding 1.83 meters (approximately 6 feet) in length.

(5) Cactus cuttings (without roots or branches) exceeding 153 millimeters (approximately 6 inches) in diameter or exceeding 1.22 meters (approximately 4 feet) in length.

(6)(i) Plants (other than stem cuttings, cactus cuttings, artificially dwarfed plants such as bonsai, and palms and plants whose growth habits simulate palms) exceeding 460 millimeters (approximately 18 inches) in length from soil line (top of rooting zone for plants produced by air layering) to the farthest terminal growing point and whose growth habits simulate the woody habits of trees and

shrubs, including but not limited to cacti, cycads, yuccas, and dracaenas.

(ii) Palms and plants whose growth habits simulate palms, that exceed a total length (stem plus leaves) of 915 millimeters (approximately 36 inches) in length.

(7) Any tree or shrub of a type not listed above, other than an artificially dwarf tree or shrub, and:

(i) Exceeding 2 years of age if grown from seeds or cuttings; or

(ii) Exceeding 1 year of age after severance from the parent plant if produced by layers; or

(iii) Having more than 2 years' growth from the bud or graft if produced by budding or grafting.

(c) Any article listed as a prohibited article in paragraph (a) or (b) of this section may be imported or offered for entry into the United States if:

(1) Imported by the United States Department of Agriculture for experimental or scientific purposes;

(2) Imported at the Plant Germplasm Quarantine Center, Building 320, Beltsville Agricultural Research Center East, Beltsville, MD 20705 or at a port of entry designated by an asterisk in § 319.37-14(b);

(3) Imported pursuant to a Departmental permit issued for such article and kept on file at the port of entry;

(4) Imported under conditions specified on the Departmental permit and found by the Deputy Administrator to be adequate to prevent the introduction into the United States of plant pests, i.e., conditions of treatment, processing, growing, shipment, disposal; and

(5) Imported with a Departmental tag or label securely attached to the outside of the container containing the article or securely attached to the article itself if not in a container, and with such tag or label bearing a Departmental permit number corresponding to the number of the Departmental permit issued for such article.

[45 FR 31585, May 13, 1980; 45 FR 35305, May 27, 1980, as amended at 56 FR 19790, Apr. 30, 1991; 57 FR 334, Jan. 6, 1992; 57 FR 43145, 43147, 43148, Sept. 18, 1992; 59 FR 9918, Mar. 2 1994; 59 FR 44610, Aug. 30, 1994; 60 FR 8924, Feb. 16, 1995]

§ 319.37-3 Permits.

(a) The restricted articles (other than articles for food, analytical, medicinal, or manufacturing purposes) in any of the following categories may be imported or offered for importation into the United States only after issuance of a written permit by the Plant Protection and Quarantine Programs:

(1) Articles subject to treatment and other requirements of § 319.37-6;

(2) Articles subject to the postentry quarantine conditions of § 319.37-7;

(3) Bulbs of *Allium sativum* spp. (garlic), *Crocosmia* spp. (montebretia), *Gladiolus* spp. (gladiolus), and *Watsonia* spp. (bugle lily) from New Zealand;

(4) Articles of *Cocos nucifera* (coconut); and articles (except seeds) of *Dianthus* spp. (carnation, sweet-william) from any country or locality except Canada;

(5) Lots of 13 or more articles (other than seeds, bulbs, or sterile cultures of orchid plants) from any country or locality except Canada;

(6) Seeds of trees or shrubs from any country or locality except Canada;

(7) Articles (except seeds) of *Malus* spp. (apple, crabapple), *Pyrus* spp. (pear), *Prunus* spp. (almond, apricot, cherry, cherry laurel, English laurel, nectarine, peach, plum, prune), *Cydonia* spp. (quince), *Chaenomeles* spp. (flowering quince), and *Rubus* spp. (cloudberry, blackberry, boysenberry, dewberry, loganberry, raspberry), from Canada;

(8) Articles (except seeds) of *Castanea* spp. (chestnut) or *Castanopsis* spp. (chinquapin) destined to California or Oregon;

(9) Articles (except seeds) of *Pinus* spp. (pine), (5-leaved) destined to Wisconsin;

(10) Articles of *Ribes* spp. (currant, gooseberry), (including seeds) destined to Massachusetts, New York, West Virginia, or Wisconsin;

(11) Articles (except seeds) of *Planera* spp. (water elm, planer) or *Zelkova* spp. from Europe, Canada, St. Pierre Island, or Miquelon Island and destined to California, Nevada, or Oregon;

(12) Seeds of *Prunus* spp. (almond, apricot, cherry, cherry laurel, English laurel, nectarine, peach, plum, prune) from Canada and destined to Colorado,

Michigan, New York, Washington, or West Virginia;

(13) Articles (except seeds) of *Vitis* spp. (grape) from Canada and destined to California, New York, Ohio, Oregon, and Washington;

(14) Articles (except seeds) of *Corylus* spp. (filbert, hazel, hazelnut, cobnut) from provinces east of Manitoba in Canada and destined to Oregon or Washington;

(15) Articles (except seeds) of *Pinus* spp. (pine) from Canada and destined to California, Idaho, Montana, Oregon, or Utah; and

(16) Articles (except seeds) of *Ulmus* spp. (elm) from Canada and destined to California, Nevada, or Oregon.

(17) *Solanum tuberosum* true seed from New Zealand and the X Region of Chile (that area of Chile between 39° and 44° South latitude—see § 319.37-5(o)).

(b) An application for a written permit should be submitted to the Plant Protection and Quarantine Programs (Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations, Permit Unit, 4700 River Road Unit 136, Riverdale, Maryland 20737-1236) at least 30 days prior to arrival of the article at the port of entry. The completed application shall include the following information:⁴

(1) Name, address, and telephone number of the importer;

(2) Approximate quantity and kinds (botanical designations) of articles intended to be imported;

(3) Country(ies) or locality(ies) where grown;

(4) Intended United States port of entry;

(5) Means of transportation, e.g., mail, airmail, express, air express, freight, airfreight, or baggage; and

(6) Expected date of arrival.

(c) After receipt and review of the application by Plant Protection and Quarantine Programs, a written permit indicating the applicable conditions for importation under this subpart shall be

⁴ Application forms are available without charge from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations, Permit Unit, 4700 River Road Unit 136, Riverdale, Maryland 20737-1236, local offices which are listed in telephone directories.